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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,078	07/05/2005	Harald Weigelt	STERN22.001APC	6848
20995 7590 01/22/2009 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER LEE, LAURA MICHELLE				
ART UNIT		PAPER NUMBER		
3724				
NOTIFICATION DATE		DELIVERY MODE		
01/22/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

# Office Action Summary

**Application No.**

10/522,078

**Applicant(s)**

WEIGELT, HARALD

**Examiner**

LAURA M. LEE

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) 6, 10 and 13 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-5, 7-9, 11-12, 14-19 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 1/19/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on 10/28/2008 in which claims 1-19 are pending, claims 1-5 7-9, 11, 12 and 14 are amended, claims 16-19 are new and claims 6,10 and 13 are withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claim 3 is objected to because of the following informalities:

Claim 3 claims the essential subject matter of the amendment of claim 1, line 9. The examiner cannot make a recommendation at the time as to how best amend claim 3, as applicant still has subject matter in claim 3 that was not disclosed in the amendment to claim 1; namely that the hole is a polygon.

Appropriate correction is required.

#### ***Specification***

4. The amendments to the specification received on 10/28/2008 are acceptable.

#### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the polygonal hole of the guide element (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-9, 11-12 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (U.S. Patent 2,760,574). Taylor discloses a stripping device (Figure 1) for use with a cutting tool with a cutting element (punch, 33) for machining a workpiece, the stripping device comprising: at least one fastening piece (35) for fastening the stripping device to the cutting tool; a spring-elastic element (36) arranged outside the workpiece contact region; a stripping element (26) which comes into contact with the workpiece and surrounds the cutting element (33), wherein the stripping element has a non-circular cross-section (see Figure 4); and at least one guide element (arm, 22) configured to guide the stripping element (26), wherein the guide element comprises a hole or opening (bore, 25) with a cross-section substantially similar to that of the stripping element (26; see Figure 4), wherein the stripping element (26) is essentially prevented from rotating.

In regards to claim 2, Taylor discloses wherein the stripping element (26) has a cross-sectional shape with no rotational symmetry (see Figure 4).

In regards to claim 3, Taylor discloses wherein the guide element comprises an elongated hole (bore, 25) or polygonal hole.

In regards to claim 4, Taylor discloses wherein the stripping element has cross-sectional shape with three straight sides (two tapering sides and the top side) and one curved side (one of the two ends).

In regards to claim 5, Taylor discloses wherein the guide element comprises at least one guide sleeve (arm, 22) arranged outside the stripping element, at least partially surrounding the stripping element (26) in a guiding manner.

In regards to claim 7, Taylor discloses wherein at least one guide surface (inner bore surface of 25) has a length.

In regards to claim 8, Taylor discloses wherein the stripping element (26) has an essentially straight section (27) and a protruding section (29), and wherein the stripping device comprises guide surfaces (outer surfaces) on the straight (26) and protruding sections (29) of the stripping element (26).

In regards to claim 9, Taylor discloses wherein the stripping element (26) has at least one guide surface (bore, 32) on its inside facing a fitted cutting element (punch, 33) and/or the stripping element (26) and the spring elastic element (36) are oriented surrounding the cutting element (33) in such a manner that they can be loaded in a manner essentially free from torque.

In regards to claim 11, Taylor discloses wherein the guide element (22) is formed integrally with the fastening piece (35) or the guide element and the fastening piece are formed as elements which can be joined together (i.e. by member 41),

In regards to claim 12, Taylor discloses wherein the spring- elastic element (36) is arranged between the stripping element (26) or the guide element (22) and the cutting tool and/or within the guide element.

In regards to claim 14, Taylor discloses wherein the stripping element (26) has a front surface (bottom surface) corresponding to the workpiece.

In regards to claim 15, Taylor discloses wherein the spring elastic element (spring, 36) is a rubber spring or consists of another spring-elastic restoring or flexible material.

In regards to claim 16, Taylor discloses wherein the guide element (22) comprises at least one guide bushing (ball, 37) arranged within the stripping element (26) and configured to guide the stripping element.

In regards to claim 17, the guide surface length is capable of being replaced with another guide of varying lengths according to a variety of motivating factors including shearing and lateral forces.

In regards to claim 18, Taylor discloses wherein the guide surface faces a stem (34) of the fitted cutting element (33).

In regards to claim 19, Taylor discloses that the front surface is made of a material capable of being altered.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA M. LEE whose telephone number is (571)272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Laura M Lee/  
Examiner, Art Unit 3724  
1/13/2009

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